

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-24 are now present in the application. Claims 1, 4, 11 and 16 are independent. Reconsideration of this application is respectfully requested.

Priority Under 35 U.S.C. §119

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. §119, and receipt of the certified priority document.

Information Disclosure Citation

Applicant thanks the Examiner for considering the references supplied with the Information Disclosure Statement filed on October 29, 2003, and for providing Applicant with an initialed copy of the PTO-1449 form filed therewith.

Drawings

Applicant thanks the Examiner for accepting the formal drawings of the instant application.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2, 4, 5, 7-9, 11, 12, 14, 16-20 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kim, U.S. Patent Application Publication No. US 2003/0031119, in

view of Hagting, U.S. Patent No. 6,236,860. Claims 3, 6, 10, 13, 15, 21, 23 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kim in view of Hagting, and further in view of Zeira, U.S. Patent Application Publication No. US 2004/0114574. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Independent claim 1 recites a combination of steps including "performing a backup of a present radio link set and changing the present radio link set, when the radio link set request is provided" and "reverting the changed radio link set back to the backed-up radio link set when the reply signal is not received from the RNC within a certain time duration".

Independent claim 4 recites a combination of steps including "performing a backup of a present radio link set and changing the present radio link set when the radio link set request is approved" and "reverting the changed radio link set back to the previous backed-up radio link set when the reply signal is not received and the first timer has expired".

Independent claim 11 recites a combination of steps including "performing a backup of a present radio link set when the radio link set request is approved", "changing the present radio link set and operating a first timer", and "reverting the changed radio link set back to the backed-up radio link set when the reply signal is not received and the first timer has expired".

Independent claim 16 recites a combination of steps including "modifying a current radio link set at a user device and then transmitting a completion message to a network device" and

“reverting the modified radio link set to a backup radio link set if the reply signal is not received within a first time duration”

Applicant respectfully submits that the above combinations of steps as set forth in original independent claims 1, 4, 11 and 16 are not disclosed or suggested by the references relied on by the Examiner.

The Examiner has correctly acknowledged that Kim fails to teach the above combinations of steps as set forth in original independent claims 1, 4, 11 and 16. However, the Examiner alleged that Hagting cures the deficiencies of Kim. Applicant respectfully disagrees.

The present invention performs a backup of a present radio link set and changes the present radio link set. In other words, only the new, changed radio link will be maintained for communications. The backup radio link will not be used until the reply signal is not received from the RNC within a certain time duration. If the certain time duration expires, the backup radio link will be restored to replace the changed radio link based upon the backup radio link set, *e.g.*, the parameters for the backup radio link. Therefore, in the present invention, the backup radio link and the new radio link are not simultaneously maintained.

Unlike the present invention, Hagting in col. 3, lines 20-27 discloses that, to execute a seamless handover, during a certain period of time two duplex radio links between a radio access unit and a communication unit have to be maintained simultaneously. In the case of a handover request, the call at the first radio link is maintained while a second radio link is established. Only if data over the second radio link is successfully exchanged in both directions, the first radio link is terminated. In other words, two radio links are maintained simultaneously during a certain

period of time. Therefore, Hagting fails to teach the above combinations of steps as set forth in original independent claims 1, 4, 11 and 16.

With regard to the Examiner's reliance on Zeira, this reference has only been relied on for its teachings related to the subject matter of dependent claims. This reference also fails to disclose the above combinations of steps as set forth in independent claims 1, 4, 11 and 16. Accordingly, Zeira also fails to cure the deficiencies of Kim.

Accordingly, none of the references utilized by the Examiner individually or in combination teach or suggest the limitations of independent claims 1, 4, 11 and 16. Therefore, Applicant respectfully submits that original independent claims 1, 4, 11 and 16 clearly define over the teachings of the utilized references.

In addition, claims 2, 3, 5-10, 12-15 and 17-24 depend, either directly or indirectly, from independent claims 1, 4, 11 and 16, and are therefore allowable based on their respective dependence from independent claims 1, 4, 11 and 16, which are believed to be allowable.

In view of the above remarks, Applicant respectfully submits that claims 1-24 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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